



State of Florida

Florida Commission on Human Relations

An Equal Opportunity Employer • Affirmative Action Employer

Ron DeSantis
Governor

4075 Esplanade Way • Room 110 • Tallahassee, Florida 32399-7020
(850) 488-7082 / FAX: (850) 487-1007

<http://fchr.state.fl.us>

United in One Goal: Equal Opportunity and Mutual Respect



Tony Jenkins
Chair
Michelle Wilson
Executive Director

FCHR No. 201917170
EEOC No. 15D201900263

Mr. Ibrahim Sharqawi
c/o Mr. Kerri Reid, Esquire
31340 Solon Road, Suite 27
Cleveland, OH 44139

COMPLAINANT

The Kirby Company
Division of Scott Fetzer Company
c/o Ms. Allison Folk, Esquire
One Biscayne Tower Ste 3500
2 South Biscayne Blvd
Miami, FL 33131

RESPONDENT

DETERMINATION: NO REASONABLE CAUSE

Complainant filed a complaint of discrimination alleging that Respondent violated the Florida Civil Rights Act of 1992. The Florida Commission on Human Relations has completed its investigation of this matter.

Complainant was a Division Supervisor for Respondent. Complainant alleged that Respondent discriminated against him due to his national origin and retaliated against him for engaging in a protected activity. However, the investigation did not support his allegations. The investigation revealed that Complainant was not Respondent's employee, but was an independent contractor for Respondent. Although Complainant was not Respondent's employee, Complainant alleged that Respondent had control over day-to-day employment functions. Even if Complainant was considered Respondent's employee, the investigation revealed that Complainant's contract with Respondent was cancelled because Complainant had become involved with his daughter's cannabis business, which led to a decline in his production, and then he lied about his involvement when he was questioned about it. The investigation showed that Respondent eventually enacted a policy preventing its independent contractors from being involved with cannabidiol (CBD) industry, and 17 contracts were terminated with independent contractors from outside of Complainant's race. The investigation revealed that Complainant mentioned once that he thought he was being singled out due to his national origin, but Respondent assured him that this was not true. The investigation did not show any evidence that Respondent retaliated for making that comment. The investigation did not show that any similarly situated independent contractor from outside of Complainant's protected classification was treated more favorably than Complainant. Therefore, it is not reasonable to believe that Respondent discriminated against Complainant.

COMMISSIONERS

Dr. Donna Elam
Port Richey

Mario Garza
Lakewood Ranch

Tony Jenkins, Chair
Lake Mary

Al McCambry
Lynn Haven

Latanya Peterson, Vice Chair
Fleming Island


Jay Pichard
Tallahassee

Gilbert Singer
Tampa

Rebecca Steele
Jacksonville

Ex. 2

On the basis of the report from the Commission's Office of Employment Investigations and recommendation from the Commission's Office of General Counsel, pursuant to the authority delegated to me as Executive Director of the Florida Commission on Human Relations, I have determined that no reasonable cause exists to believe that an unlawful practice occurred.



Michelle Wilson
Executive Director

Dated: November 26, 2019



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NOTICE OF DETERMINATION: NO REASONABLE CAUSE

The Florida Commission on Human Relations has determined that there is no reasonable cause to believe that an unlawful practice occurred. A copy of the determination is attached.

Complainant may request an administrative hearing with the Division of Administrative Hearings by filing a Petition for Relief within 35 days of the date the determination was signed by the Executive Director. A blank Petition for Relief form is enclosed with Complainant's notice. It may be beneficial for Complainant to seek assistance from legal counsel prior to filing the petition.

This determination of no reasonable cause will become final if Complainant does not file a Petition for Relief within 35 days, and the Commission will dismiss the complaint.

The parties named in the determination may inspect the records and documents, in the custody of the Commission, which pertain to the determination. Please contact the Commission's Customer Service Office if you wish to request copies.

I HEREBY CERTIFY that a copy of the foregoing Notice of Determination was mailed to the above-named addressees this 26th day of Nov, 2019, by U.S. Mail.

By: Tammy Barto
Clerk of the Commission

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